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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,576	02/22/2002	Shiri Kadambi	108339-00102	7320
32294	7590	01/27/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182				RAY, GOPAL C
ART UNIT		PAPER NUMBER		
				2111

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/079,576	KADAMBI ET AL.	
	Examiner	Art Unit	
	Gopal C. Ray	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2 and 15-20 is/are rejected.
 7) Claim(s) 3-14,21 and 22 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

1. Claims 1-22 are presented for examination. Applicant should cancel non-elected claims 23-35 in response to this office action.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Moreover, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 1, 2, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,864,708 issued to Croft et al.

As per claim 1, the reference of Croft et al. teaches “at least one media port” in Fig. 1, elements 68-72; “at least one high speed docking station communicating with said at least one media port” in Fig. 1, element 62; “at least one master connected to said at least one high speed docking station ...” (lines 5-10) in Fig. 1, element 65; col. 1, lines 17-19 and col. 1, lines 49-52.

As per claim 2, the reference of Croft et al. teaches “wherein said network device is configured to handle media ports of different media types utilizing the same at least one high speed docking station” in Fig. 1 and col. 1, lines 49-52.

As per claim 17, the reference of Croft et al. teaches the added limitation of the claim “media types according to a wireless communication specification which supports

data, voice and content-centric applications" in Fig. 1, elements 63-64 and col. 1, lines 45-48.

As per claim 20, the reference of Croft et al. teaches the added limitation of the claim "media types according to Synchronous Optical Network specifications" in col. 2, lines 5-6.

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 15, 16, 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,864,708 issued to Croft et al. in view of US Patent 6,290,517 issued to Anderson.

As per dependent claims 15, 16, 18 and 19, the claims recite various specifications for media types known in the art as evidenced by Anderson. The reference of Anderson teaches the added limitations in col. 4, lines 34-42. One of ordinary skill in the art at the time the invention was made would have realized that adding the claimed features is to make a portable computer as versatile as possible which is commercially advantageous. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the added claimed features in the system of Croft et al. to obtain the invention as claimed in claims

15, 16, 18 and 19 because that would make the system of Croft et al. versatile. The reference of Anderson teaches the motivation in col. 4, lines 43-45.

7. Claims 3-14, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The above claims are allowable over the prior art of record because each claim recite at least an extra feature such as "media ports of different media types utilizing two different high speed docking stations" (claim 3), etc. which none of the prior art of record, alone or in combination teaches.

8. Applicant's arguments filed on 12/14/2004 have been fully considered but they are not persuasive. Applicant argues that "[t]he present invention is directed to a switch architecture, wherein the master is attached to a detachable media ports. The ports are attached to the master through docking stations and the docking stations are attached to the master through a high speed interface bus". However, applicant must be arguing from the specification rather than the rejected claims because the rejected claims do not recite the above features. Claimed subject matter, not the specification, is the measure of invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1986). The broad interpretation of the rejected claims read on the cited prior art.

Applicant further argues that "... in Croft et al., the protocol manager is a component in the docking station that extracts information received in the docking

station and separates the information for different ports. On the other hand, the master recited in claim 1 is not a component of the docking station. Instead, the master recited in claim 1 is connected to the docking station and processes data that is transmitted from a media port through the docking station". However, the above features are not positively recited in the rejected claims in order to distinguish over the cited prior art. Moreover, if applicant decides to include the limitations in a significant way to avoid the prior art, the examiner wants to point out that mere shifting location of parts has no patentable significance unless a new and unexpected result is produced. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Applicant also argues that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art". In response to applicant's argument that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (571) 272-3631. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (571) 272-3632. The new fax phone number for this Group is (571) 272-3632.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [\[mark.rinehart@uspto.gov\]](mailto:mark.rinehart@uspto.gov).

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC central telephone number is (571) 272-2100. Moreover, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. Patents and Patent Application Publications ceased to be mailed to applicants with office actions as of June 2004. Paper copies of Foreign Patents and Non-Patent Literature will continue to be included with office actions. These cited U.S. Patents and Patent Application Publications are available for download via Office's PAIR. As an alternate source, all U.S. Patents and Patent Application Publications are available on the USPTO web site (www.uspto.gov), from the office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. Patent or Patent Application Publications will not be granted.

Gopal C. Ray
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